

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO: 1:00-cr-83</b>
<b>vs.</b>	)	
	)	
<b>KEVIN W. GREGOR,</b>	)	<b>CHIEF JUDGE BECKWITH</b>
<b>SSN: XXX-XX-7988</b>	)	
<b>Defendant,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>Potbelly Sandwich Works</b>	)	
<b>Garnishee.</b>	)	

**WRIT OF CONTINUING GARNISHMENT**

TO THE ATTENTION OF: Potbelly Sandwich Works

222 Merchandise Mart  
23rd Floor  
Chicago, IL 60654

An application for a Writ of Continuing Garnishment against the property of Defendant, Kevin W. Gregor , also referred to as "debtor" or "judgment debtor" (including but not limited to nonexempt disposable earnings), has been filed with this Court.

A judgment was entered against Kevin W. Gregor in Case No. CR-1-00-83 on April 2, 2001 in the amount of \$34,763.19. The amount of said debt that remains unpaid and due and owing is \$37,994.75 (\$34,163.19 principal and \$3,831.56 interest) as of December 14, 2006, with additional interest accruing thereafter at the rate of 4.07 percent per annum.

The United States is represented by Deborah F. Sanders, Assistant United States Attorney, Southern District of Ohio, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215-2401.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the judgment debtor, including any and all equipment and/or monies.

You must file the original written answer to this Writ within ten (10) days of your receipt of this Writ with the United States District Clerk at:

Clerk U.S. District Court  
U.S. Postoffice & Courthouse  
Rm #103  
Cincinnati, OH 45202

Additionally, you are required by law to serve a copy of this answer upon the judgment debtor at:

Kevin W. Gregor  
74 Rollingwood Dr  
Mainville, OH 45039

and upon the Government at:

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401  
(614) 469-5715

NOW THEREFORE, YOU ARE HEREBY COMMANDED to withhold and retain any property, equipment and/or monies in which the debtor has a substantial nonexempt interest and for which you are or may become further indebted to the judgment debtor pending further order of the Court.

Under the law, there is property which may be exempt from this Writ of Continuing Garnishment. Property which may be exempt and which is not subject to this order is listed on the

attached Claim for Exemption Form. All nonexempt property belonging to Kevin W. Gregor must be held from and retained by you pending further order of the Court.

If you fail to answer this Writ or to withhold property in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the Defendant any item attached by this Writ. Additionally, you may be held liable for reasonable attorney's fees to the United States of America.

The garnishment shall terminate only by one of the following:

1. A court order quashing the Writ of Continuing Garnishment;
2. Exhaustion of property in the possession, custody or control of the garnishee in which the debtor has a substantial nonexempt interest (including nonexempt disposable earnings) unless the garnishee reinstates or re-employs the judgment debtor within 90 days after the judgment debtor's dismissal or resignation; or
3. Satisfaction of the debt with respect to which the Writ is issued.

Questions are to be directed to:

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401  
(614) 469-5715

Date: January 5, 2007

s/Sandra S. Beckwith  
Sandra S. Beckwith, Chief Judge  
United States District Court

**CLAIM FOR EXEMPTION FORM**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are **checked** below apply in this case:

- \_\_\_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_\_\_ 2. Veterans' benefits (38 U.S.C. § 5301).
- \_\_\_\_\_ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 1562).
- \_\_\_\_\_ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_\_\_ 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- \_\_\_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 352(e)).
- 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
  - (a)\_\_\_\_\_ \$17,425 in equity in a residence.
  - (b)\_\_\_\_\_ \$2,775 in equity in a motor vehicle.
  - (c)\_\_\_\_\_ \$1,150 in jewelry.
  - (d)\_\_\_\_\_ \$9,300 in personal property. (However, no single item worth more than \$450 can be claimed as exempt.)

- (e)\_\_\_\_\_ \$1,750 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.
- (f)\_\_\_\_\_ \$925 in property, plus up to \$8,725 of any unused amount of the exemption provided for above.
- (g)\_\_\_\_\_ Any unmatured life insurance contract you own, other than credit life insurance.
- (h)\_\_\_\_\_ The aggregate value, up to \$9,300, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
- (i)\_\_\_\_\_ Professionally prescribed health aids for you or your dependants.
- (j)\_\_\_\_\_ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k)\_\_\_\_\_ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).
- (l)\_\_\_\_\_ Your right to receive, or property that traceable to,  
- an award under a crime victim's reparation law;  
- a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;  
- a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants  
- a payment, not to exceed \$17,425, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to

compensate actual pecuniary loss are not exempt under this paragraph;  
 - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support of your dependants.

\_\_\_\_8. Compensation for war risk hazards (42 U.S.C. § 1717).

#### MAJOR EXEMPTIONS UNDER STATE LAW

**NOTE:** The law of the state where you have been domiciled for at least 180 days governs your rights.

**NOTE:** If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

<u>TYPE</u>	<u>STATUTE EXEMPTION</u>	<u>VALUE CLAIMED</u>
____9. Fraternal Benefit Society Benefits	-Ohio Rev. Code. Ann. §§2329.66(A)(6) (d) and	____ 3921.128
-Exempt before and after payment		
____10. Public Assistance	-Ohio Rev. Stat. §§2329.66(A)(9),	____
-General Assistance and aid to dependent children are exempt	5107.12 and 5113.03(A)	
____11. Pensions and Retirement Benefits	-Ohio Rev. Stat. §§245.66 and provisions cited is note thereafter, and 2329.66(A)(10)	____
-Various public employees' retirement systems. In addition, benefits from pension plans qualified for tax exemption and certain non-qualifying plans are exempt. IRA's and Keoughs are exempt when necessary for support.		

\_\_\_\_\_12. Alimony, Support and -Ohio Rev. Code \_\_\_\_\_  
 Separate Maintenance Ann. §2329.66(A)  
 (11)

-Alimony, maintenance  
and child support

\_\_\_\_\_13. Crime Victims' Compensation -Ohio Rev. Code \_\_\_\_\_  
Ann. §§2329.66(A)  
(12) (a) and 2743.66(D)

- Compensation accrued in previous 12 months.

\_\_\_\_\_14. Claims for Negligence -Ohio Rev. Code \_\_\_\_\_  
and Tortuous Conduct §2329.66(A)(12)  
(b), (c), and (d)

-A payment on account of the wrongful death of an individual of whom the person is a dependent to the extent necessary for support is exempt. Up to \$5,000 for personal injury, not including pain and suffering or pecuniary loss, for the person or an individual for whom the person is a dependent, is exempt. Compensation for loss of future earnings, of the person or an individual of whom the person is a dependent, is exempt to the extent necessary for support.

\_\_\_\_\_15. Wages -Ohio Rev. Code \_\_\_\_\_  
Ann. §2329.66(A)  
-If paid weekly, (13)

-If paid weekly, the greater of 30 times the current federal minimum wage of 75% of debtor's disposable earnings. If paid biweekly, the greater of 60 times the current federal minimum wage or 75% of debtor's disposable earnings. If paid semi-monthly, the greater of 65 times the current federal minimum wage or 75% of debtor's disposable

earnings. If paid monthly,  
one hundred thirty times  
the federal minimum wage  
or 75% of debtor's disposable  
earnings.

\_\_\_\_\_16. Workers' Compensation -Ohio Rev. Code  
Ann. §4123.67 \_\_\_\_\_

-Exempt

\_\_\_\_\_17.      Unemployment                          -Ohio Rev. Code \_\_\_\_\_  
                         Compensation    Ann. §4141.32

-Exempt

The statements made in this claim for exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(Address)	(City/State)	(Zip Code)
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or telephonically at \_\_\_\_\_  
(Area Code) (Phone Number)

\_\_\_\_\_  
(Debtor's printed/typed name)

(Signature of Debtor)

(Date)